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Exhibit 268 D164

STATEMENT OF THE GOVERNMENT CONCERNING THE CHINA INCIDENT

1. The statement of the Government on 16 January 1938 (13th year of Showa).

The Imperial Government has been patient enough, after the occupation of Nanking, to give the last opportunity to the Chinese national government for reconstituting the situation. But they do not understand our real intention, attempt foolishly to counter-attack, disregard the greatest distress of the people at home and do not mind the peace of the entire East Asia. Thereupon, the Imperial Government will not care for the National Government hereafter, and expect the establishment and development of a new government of China that will really be worthy coalition with our Empire. We desire to strive, rising under cooperation with such new government, to arrange the relation between the two countries and to construct a new revived China. Of course, there will be not even a slight change in our policy that respects the territoriality and sovereignty of China and the rights and interests of other powers in China. Our responsibility for the peace of the East Asia is now increasing heavier and heavier. It is the most earnest desire of the Government that our people devote themselves to perform this important mission.

2. The statement of the Government on 3 November 1938 (13th year of Showa)

Now, by the august virtue of His Majesty the Emperor, the Imperial Army and Navy have already captured Kwantung, Hankow and Uchang, and have overcome the important districts of China. The National Government is now merely a local regime. But, so far as the same Government adheres to the pro-communism and anti-Japanese policy, we will never lay aside our arms until they are completely annihilated. It is the establishment of a new order that will enable us to maintain permanent peace of East Asia, that the Empire seeks. This is really the ultimate object of the present expedition. To realize this new order it is extremely essential to bring Japan, Manchoukuo and China into fraternal linked relation in the fields of politics, economics, culture and so forth, and moreover, to establish international justice, carry out the common defence against communism, create a new civilization and realize economic unification. This must really be the way to stabilize the East Asia and contribute to the progress of the world.

What the Empire demands China is to take her own share in the task of establishing a new order in the East Asia. The Empire expects the Chinese people would understand perfectly our real intention and respond to our cooperation. Of course, even the National Government, only if it gives up its guiding policy which it has been taking, realizes its rebirth by making shifts in personnel and participates in construction work for the new order, our Empire will never reject its cooperation. There is no doubt that all the powers of the world would also perfectly understand our real intention and adapt themselves to the new situation in the East Asia. We here express our hearty gratitude for the warm friendship shown by our brotherly Powers. We believe that the establishment of a new order in the East Asia is based upon the spirit of the foundation of our Empire, and its completion is an honorable mission charged upon the present Japanese peoples.

The Empire should enforce the renovation in the various internal affairs, enlarge the total national power, and strive for the completion of this great task at all costs. Hereby the Government state the immovable policy and resolution of the Empire

3. "Premier Konoye's conservation concerning the readjustment of the relations with the reborn China," 22 December, 1938 (13th year of Showa)

The Government, as it was clarified by the second statement issued this year, is determined to devote consistently to the complete destruction of the anti-Japanese National Government by force, and at the same time to the establishment of a new order in the East Asia, co-operating with the thoughtful persons of the new spirit in China. We now realize that the tendency toward revival is so remarkable and an opportunity is so quickly ripening for the construction in various parts of China.

Hereby the Government wants to make public our basic policy to adjust the relations with the revived new China at home and abroad in order to make the world understand our real intention. Japan, Manchoukuo and China should unite with the establishment of new order in the East Asia as their common object realize good neighbourship and friendship, common defense against communism and economical collaboration. For this, nothing is more necessary for China than to discard her old prejudices, and to abandon her foolish resistance against Japan and her attitude hanging on to Manchoukuo. Frankly speaking, Japan wants China to positively make friendly relation with Manchoukuo. Secondly, as the influence of Communism is not to be allowed to exist in the East Asia, Japan considers the conclusion of Japan-China Anti-Communistic Agreement as the essential condition for readjusting the relations between Japan and China, in view of the spirit of the Japan-Germany-Italy Anti-Communistic Agreement.

In view of the present situation in China, we demand China to approve the stationing of Japanese Army forces for preventing communism at defined places during the term of validity of the said agreement, and to make the Inner Mongolian district a special anti-communism zone.

As to the economic relations between Japan and China, Japan has no ambition for economic monopolization, and will not request China to restrict the interests of the third nations of good will, which would act under the complete understanding of the new East Asia. We only hope to realize cooperation and collaboration between the two countries at all costs.

Based upon the principle of equality between the two countries, Japan demands China to grant the Japanese subjects freedom of residence and business in China so as to promote the economic profits of the two countries, and, in view of the historical and economic relations between the two countries to bestow Japan conveniences positive in North China and Inner Mongolia so as to exploit and utilize their resources.

What Japan demands China were outlined above. If China perfectly understood our real intention for the mobilization of such tremendous forces, it would be clear to her what Japan demands China is neither a territory nor compensation of war expenditure. We only demand the minimum security that is necessary for China to perform her responsibility as a participator in the establishment of a new order. Japan will, of course, respect the sovereignty of China and is willing to abolish the extra-territoriality and pay positive consideration to the retrocession of concessions, which are necessary for the completion of independence of China.